



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,234	11/29/2001	Mark Glazier	08364.0024	9841

7590 01/16/2004

Finnegan Henderson Farabow Garrett & Dunner
1300 I Street NW
Washington, DC 20005

EXAMINER

BURCH, MELODY M

ART UNIT	PAPER NUMBER
----------	--------------

3683

DATE MAILED: 01/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/889,234	Applicant(s) GLAZIER, MARK	
	Examiner Melody M. Burch	Art Unit 3683	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 63-69.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 3. Applicant's reply has overcome the following rejection(s): upon entry, the 102 rejections of claim 63, 64, 67, and 68, the objections of claims 63-69, the 112 first and second rejections of claims 63-69.

Continuation of 5. does NOT place the application in condition for allowance because: Applicant has failed to overcome the drawing objections set forth in the final Office Action. Examiner maintains that the drawings fail to show the claimed invention. Claim 63, for example, appears to combine the embodiments of figures 1, 2A, 4, and 5 into one unillustrated embodiment. Figure 5 shows a variable throttling valve 13, a pressure sensor 55, and a pressure regulator 29 as stated by Applicant in the Remarks, however, the valve member 24 of a variable throttling valve 20 is shown in the embodiment of figure 2A and the control means is shown in the embodiment of figure 4. Applicant states in the Remarks that the control means in figure 5 is the output signal provided by pressure sensor 55, however, the output signal of pressure sensor 55 is not operable to select one of the plurality of predetermined reference fluid pressures as required by claim 63 since the pressure sensor does not contain the look up table 40a which is a component of the memory 40 of a control means 31 which provides the predetermined reference fluid pressures as disclosed in the specification and as shown in figure 4. Also, elements 4 were designated in the specification as the airbags, however, in the Remarks Applicant refers to the first and second airbags as elements 26 and 27 which in the specification were described as actuators. Finally, Examiner notes that the amendment has not been entered because changing the limitation of "A load sensing system for a braking system of a vehicle" to --A load sensing and braking system for a vehicle-- in the first two lines of claim 63 leads to confusion since the transitional phrase of the claim is "the load sensing system comprising". Based on the new amendment to the preamble, it appears that the transitional phrase should be changed to --the load sensing and braking system comprising-- to maintain consistency. Examiner notes that the arguments regarding the 102 rejection of claims 63, 64, 67, and 68 were persuasive in light of the fact that airbag 56 of the Stumpe reference is not described or shown as being connected to and, therefore, affected by the control means which selects one of the plurality of predetermined reference fluid pressures and urges a valve element of the variable throttling valve towards its maximum throttling position as required by the claim language.

mmb
1/14/04

m.l. 1/14/2007